

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH SIMON JEREMIAS

Electronically Filed
Oct 01 2015 02:13 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 67228

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Judge
District Court No. 09C256769

MOTION TO TRANSMIT EXHIBIT 145

JoNell Thomas
State Bar #4771
Deputy Special Public Defender
David M. Schieck
State Bar #0824
Special Public Defender
330 South 3rd Street
Las Vegas, NV 89155
(702) 455-6265
Attorneys for Jeremias

Motion to Transmit Exhibit

Comes now Appellant Ralph Jeremias, by and through his attorneys DAVID M. SCHIECK, Special Public Defender, and JONELL THOMAS, Deputy Special Public Defender, and moves this court for an Order directing the Eighth Judicial District Court Clerk to transmit to the Nevada Supreme Court for consideration in the above captioned appeal Exhibit 145 which is a video recording of Jeremias' interrogation by detectives.

This Motion is made and based upon the Declaration of counsel attached hereto.

Statement of Facts

Jeremias requests this Honorable Court order the transmission of a copy of Exhibit 145, which is a video recording of Jeremias's interrogation by detectives. An issue presented in the appeal concerns whether the district court abused its discretion, and violated Jeremias's constitutional rights, by admitting the video recording after the close of testimony and allowing the jury to view the video recording for the first time during deliberations. Viewing of the actual video is necessary for resolution of a critical issue on appeal as it shows editing and demeanor, which are not apparent from a transcript. The recording must be viewed to give proper review of this issue

on appeal. See Pantano v. State, 122 Nev. 782, 792, 138 P.3d 477, 483 (2006).

DATED this 1st day of October, 2015.

SUBMITTED BY:

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER

/s/ JONELL THOMAS

JoNell THOMAS
Deputy Special Public Defender
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
Attorney for Appellant

Declaration of JoNell Thomas

JONELL THOMAS makes the following declaration:

I am the Deputy Special Public Defender representing Mr. Jeremias on his direct appeal in the instant capital case. That I was not the trial attorney in this case.

I am requesting that the Court order the transmission of the exhibit because an issue has presented in the appeal concerning whether the district court abused its discretion, and violated Jeremias's constitutional rights, by admitting the video recording after the close of testimony and allowing the jury to view the video recording for the first time during deliberations. I believe this Court should view the actual video for resolution of a critical issue to be raised on appeal as it shows editing

and demeanor, which are not apparent from a transcript.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 1st day of October, 2015.

SUBMITTED BY:

/s/ JONELL THOMAS

JoNell THOMAS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 10/1/2015, a copy of the foregoing Motion to Transmit Exhibit 145 was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

/s/ JONELL THOMAS

JONELL THOMAS